



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 21
AGENDA DATE: Thu 11/17/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-West of Lamar Project, a portion of the Austin Clean Water Program, to acquire an 853 square foot permanent wastewater line easement and a 425 square foot temporary working space easement out of Lot 8, Block Two, Barton Hollow, a subdivision in Travis County, in the amount of \$13,485. The owner of the needed property interests is Jane Eva Bullard, Austin, Texas. The property is located at 1204 Hollow Creek Drive, Austin, Travis County, Texas.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING: Public Works **DIRECTOR'S**
DEPARTMENT: for Austin Water Utility, **AUTHORIZATION:** Sondra Creighton

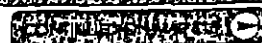
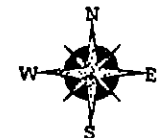
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078, Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Govalle 1-West of Lamar Project, a portion of the Austin Clean Water program, require acquisition of a permanent wastewater line easement and a temporary working space easement on the property located at 1204 Hollow Creek Drive, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement and the temporary working space easement from the landowner. However, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

11/17/05
Resolution
Austin Water Utility

DESCRIPTION

Approve a resolution authorizing the filing of eminent domain proceedings for the Graylin 1-West of Lamar project, a portion of the Austin Clean Water Program, to acquire a permanent wastewater easement comprised of 653 square feet of land and temporary working space easement comprised of 425 square feet of land out of a portion of Lot B, Block 2, Barton Hollow, a subdivision in Travis County in the amount of \$13,485. The owner of the property interest sought to be acquired is Jane Eva Oullard of Austin, Texas. The property is located at 1204 Hollow Creek Drive, Austin, Travis County, Texas.

FINANCIAL INFORMATION:

Parent Project Name	Wastewater Unfunded Future
Project Authorization	2005-06 Approved Capital Budget
Funding Source	Commercial Paper
Number	4570 237 2017

Current Appropriation \$ 575,217,293.00

Unencumbered Balance 201,931,197.55

Amount of This Action (13,485.00)

Remaining Balance \$ 201,917,712.55

Current Available Balance \$ 216,844,051.40

Less Outstanding Commitments (14,912,853.85)

Estimated Unencumbered Balance \$ 201,931,197.55

Utility Engineer



David Anders, Utilities Finance Manager

Date: 10/21/05

REF. # 4570 237 4559

RESOLUTION NO. 20051117-0

WIIEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below, and

WIIEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the fair market value thereof, **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions

The City Attorney, or other authorized designee, shall file eminent domain proceedings for

Owner	Jane Eva Bullard
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Project	Govalle 1 -West of Lamar Project, a portion of the Austin Clean Water Program
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Intended Purpose the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate, and

the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A "

Location 1204 Hollow Creek Drive, Austin, Texas

Property. Described in the attached and incorporated Exhibits A and B

ADOPTED: November 17, 2005

ATTEST: _____
Shirley A Brown
City Clerk